

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in Conference Room 1a, County Hall, Ruthin on Friday, 21 September 2018 at 10.00 am.

PRESENT

Ian Trigger (Chair), Julia Hughes, Anne Mellor and Peter Lamb together with Councillors Andrew Thomas

ALSO PRESENT

Monitoring Officer (GW) and Committee Administrator (RTJ)

1 APOLOGIES

Apologies were received from Councillor Gordon Hughes and Paul Penlington.

2 DECLARATION OF INTERESTS

No declarations of interests were raised.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

4 MINUTES OF THE LAST MEETING

The minutes of the meeting held on the 10 July 2018 were submitted:

Matters arising –

Page 2 – The monitoring officer expressed an apology for the chairman's annual report not being submitted to Council, but confirmed it would be added to the agenda for Council in either January or February to encompass both years.

Page 3 - The Social media policy was in the final stages of design, a launch event would be carried out. The monitoring officer informed the committee that the policy would be circulated once finished. The Committee were also made aware that there were no plans for any training or workshops for the social media policy.

Page 4 – The monitoring officer advised the committee not to share any photos where a child could be identified. It was clarified that Councillors could repost or share images on social images if they originated from the Schools account.

Page 5 – The monitoring officer apologised for forgetting to add the extra column to the table, it would be added by the next meeting.

RESOLVED that, subject to the above, the minutes of the meeting held on 10 July 2018 be received and approved as a correct record.

5 APPLICATION FOR DISPENSATION BY MEMBERS OF LLANBEDR DYFFRYN CLWYD COMMUNITY COUNCIL

The Monitoring Officer presented a report (previously circulated) in regards to the application for a dispensation made by members of Llanbedr Dyffryn Clwyd Council.

The Monitoring Officer informed the committee that a request for an extension of the dispensation in respect of the two councillors to whom the dispensation was granted in April, Councillors Lyn Evans and Tim Baker had been submitted, together with a request for an additional Councillor to be granted a dispensation, namely Councillor Dave Ritchie.

The committee were reminded that the original date the dispensation would expire was the 3rd October.

Councillors Lyn Evans from Llanbedr DC Community Council informed the committee that the membership of the Community Council had gone up to 9 members, with co-opted members.

Councillor Evans also raised that the Griffin Community Hub project would be raising money for the sites development which would allow people to buy shares in the Griffin Inn. The dates when the shares could be purchased were from the 1st October to the 17th November 2018.

A discussion was held in regards to the Community Councillors who could have a prejudicial interest in the Griffin Inn, if they purchased any shares.

Following the deadline with the share purchasing, a request for a dispensation would be brought to the next committee which would be meeting on the 30th November.

The board agreed to the option that was raised was accepted by the committee.

RESOLVED – *That the Committee grant:*

- a dispensation for an additional six months, for the Councillors Lyn Evans and Tim Baker and grant of dispensation for six months for Councillor Dave Ritchie.

6 GRANTING OF DISPENSATIONS

The monitoring officer presented the report (previously circulated) seeking the Committees approval of an application form and guidance document for members of Town, City and Community Councils as well as County Councillors in respect of applications for dispensations.

The Monitoring officer highlighted that the form and guidance were meant to streamline the process.

The idea of the form was praised by the committee and the following points were raised:

- The wording could be changed to avoid large amounts of people attending a dispensation meeting and specify only one person attending would be required but any other members would be welcome.
- Whether the wording could be altered into layman's terms. The monitoring officer responded by stating that the wording was deliberately based on regulatory requirement for clarity.

RESOLVED – *The committee approved the guidance and application form for Dispensations attached appendix 1 and 2 to the report.*

7 PUBLIC SERVICES OMBUDSMAN FOR WALES - CODE OF CONDUCT CASEBOOK

The Monitoring Officer presented a report (previously circulated) informing members of the most recent editions of the Ombudsman's Code of Conduct Casebook covering the period April to June 2018.

Details of the three complaints investigated during the period had been outlined in the report and were summarised by the Monitoring Officer. None of the cases related to Councillors in Denbighshire.

All three cases were deemed to have no further action required.

8 ADJUDICATION PANEL FOR WALES - SANCTIONS GUIDANCE

The Monitoring Officer presented the report (previously circulated) that the Committee note the content of the Adjudication Panel for Wales – Sanctions Guidance.

The Monitoring Officer highlighted that the guidance was to assist the Standards Committee on how to impose the appropriate sanctions, but to also help those who have had sanctions imposed on them understand how the sanctions work.

Three tribunals were discussed –

- Case tribunals - These tribunals responsible are for deciding whether a local member had breached the Code of Conduct of their authority and, if so, for determining an appropriate sanction (if any).
- Appeal tribunals - Appeal tribunals are responsible for reviewing a decision that a local member has breached the Code of Conduct and any sanction imposed. They may uphold and endorse any sanction imposed or refer the matter back to the Standards Committee with a recommendation as to a different sanction or overturn the determination of the Committee that there has been a breach of the Code. An appeal tribunal cannot recommend a sanction which was not available to the Standards Committee.

- Interim case tribunals - The tribunal was responsible for determining the need to suspend, or partially suspend, the member or co-opted member from the authority or a role within the authority. The maximum duration of the suspension or partial suspension was 6 months. Unlike case and appeal tribunals, suspension by an interim case tribunal was a neutral act, given the ongoing nature of the Ombudsman's investigation.

The Monitoring Officer informed the Committee that if a member wanted to appeal any sanctions, a permission process would need to be followed, a request would need to be sent to the adjudication panel.

The Committee discussed what information would need to be noted for any decision that may be taken by the Committee in the event that it held a hearing. be taken. It was clarified that all the information that would be relevant to the reason for the decision would be noted. It would be done to inform the person who would be being sanctioned, this would allow them to have all the relevant information that they would need in considering whether to appeal the sanction.

The Monitoring Officer stated that following publication of the guidance that the Council would look at the Standards Committee's hearing procedure set out in the Constitution and make sure that the Guidance and Constitution were consistent.

In November a report would be brought to the committee with information in regarding the procedure in the Constitution, and whether the information corresponded to the sanctions guidance.

RESOLVED - that the Committee note the content of the Adjudication Panel for Wales Sanctions Guidance.

9 FEEDBACK FROM STANDARDS CONFERENCE

The chair stated the Standards Conference was held in Aberystwyth on the 14th September.

The chair asked for those who attended alongside himself –

- The Monitoring Officer attended alongside a solicitor from Denbighshire.
- Julia Hughes attended but stated that she had attended on behalf of Flintshire rather than Denbighshire.

The committee was informed that there were 4 workshops held during the conference –

- Social Media and Bullying –led by officers of the Ombudsman's office.
- Sharing good practices including the role of the ethics and standard committees - led by Ceredigion and Gwynedd Council.
- Standards the only way in Wales – led by the Mid and West Wales Fire and Rescue Service and Ceredigion Council.
- Standards hearings and practice – led by members of the Powys Standards Committee.

The Monitoring Officer said that all who were present had information to send it to forward to allow a pack to be created and circulated to the committee.

The following points were raised during the discussion about the Standard Conference –

- The system and practice of the standards system in Wales was good.
- The level of complaints had increased over the years, due to the public's loss of faith in elected members due to the MP's expenses scandal.
- Social media was raised as an issue for members, it was the consensus that members should not put on social media things that they wouldn't say to someone directly. Social media was also raised as a concern due to things that could be published prior to being an elected member.
- The age of elected members was raised and that the lack of representation of young people. Members noted that young people should be encouraged to engage in the democratic process.

RESOLVED – *The committee note the information about the standards conference.*

10 ATTENDANCE AT MEETINGS

There hadn't been an updated list of meetings, the monitoring officer would get an updated list.

11 STANDARDS COMMITTEE FORWARD WORK PROGRAMME

The Standards Committee Forward Work Programme was presented for consideration.

The application of dispensations for the Community Council in Llanbedr DC to be added to the Forward Work Programme.

In November a report would be brought to the committee on the Adjudication Panel for Wales Sanctions Guidance and the comparable provisions in the Council's Constitution.

12 DATE OF NEXT MEETING

30th November 2018 in the Council Chamber, Ruthin at 10.00 a.m.

RESOLVED *that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraphs 12 and 13 of Part 4 of Schedule 12A of the Act.*

13 CODE OF CONDUCT - PART 3 LOCAL GOVERNMENT ACT 2000

The Monitoring Officer presented the confidential report (previously circulated) to provide Members with an overview of complaints lodged with the Public Services Ombudsman for Wales since 1 April 2014.

Standards Committee had previously requested to be regularly informed of the level of complaints lodged with the Public Services Ombudsman for Wales.

Part 1 of the tables provided details of completed items.

Part 2 of the tables provided details of ongoing complaints.

The meeting concluded at 12.44